

PUBLIC

- (2) Whether the applicant will suffer irreparable harm if a stay is not granted;
- (3) The degree of injury to other parties or third parties if a stay is granted;
and
- (4) Whether the stay is in the public interest.

16 C.F.R. § 1.148(c)-(d) (emphasis added).

Appellants do not address any of the foregoing factors in their Stay Request. Rather, their sole argument is that the Sanctions should be stayed during the pendency of this proceeding because the Authority's Board stayed the Sanctions pending its review of the ruling of the Sunland Park stewards pursuant to HISA Rule 8350, and thereby determined there was good cause for a stay.³ Even if the Board previously determined there was good cause for granting a stay, HISA Rule 8350 is the applicable standard for granting stays on appeals to the Authority's Board, *not* for granting stays on appeals to an Administrative Law Judge at the Federal Trade Commission. Moreover, upon issuing its decision on appeal, the Board lifted its stay of the Sanctions, except as to the disqualification from purse monies derived from the race. Per the Board's order, that stay remains in place until the completion of Appellants' appeals.

Because Appellant failed to address the factors required under 16 C.F.R. § 1.148, except as to the disqualification from purse monies, which is already stayed, the Stay Request is DENIED.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: May 31, 2024

³ HISA Rule 8350 provides that in an appeal to the Board, “[a] stay may be issued by the Board . . . for good cause shown.”